### IDJI 10.01.3 – Negligence of product seller – duty to inspect

INSTRUCTION NO. \_\_\_

A product seller owes a duty to use ordinary care to conduct a reasonable inspection of the product before selling the product to others. A breach of this duty is negligence.

[Unless the seller has made an express warranty to the contrary,] [T]he duty to inspect does not apply if the seller receives the product in a sealed container, and sells the product in the same container.

Comment:

Idaho Code §6-1307(1). This instruction presumes that the standard IDJI negligence or comparative negligence instructions will be given.